

Federal Acquisition Regulation

26.300

(b) Funds are available for any increased costs as described in paragraph (b)(2) of the clause at 52.226-1.

[65 FR 24323, Apr. 25, 2000]

Subpart 26.2—Disaster or Emergency Assistance Activities

SOURCE: 61 FR 39200, July 26, 1996, unless otherwise noted.

26.200 Scope of subpart.

This subpart implements 42 U.S.C. 5150, which provides a preference for local organizations, firms, and individuals when contracting for major disaster or emergency assistance activities (see Subpart 6.6).

[61 FR 39200, July 26, 1996, as amended at 71 FR 44548, Aug. 4, 2006]

26.201 Policy.

(a) When contracting under this subpart for major disaster or emergency assistance activities, such as debris clearance, distribution of supplies, or reconstruction, preference shall be given, to the extent feasible and practicable, to those organizations, firms, or individuals residing or doing business primarily in the area affected by such major disaster or emergency.

(b) The authority to provide preference under this subpart applies only to those acquisitions, including those which do not exceed the simplified acquisition threshold, conducted during the term of a major disaster or emergency declaration made by the President of the United States under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*).

26.202 Procedures to accomplish the local area preference.

(a) *Local area set-aside.* The contracting officer may set-aside solicitations to allow only offerors residing or doing business primarily in the area affected by such major disaster or emergency to compete (see 6.602).

(1) The contracting officer, in consultation with the requirements office, shall define the specific geographic area for the local set-aside.

(2) A major disaster may result in numerous Presidential declarations span-

ning counties in several contiguous States. The designated area need not include all the counties in the declared disaster/emergency area(s), but cannot go outside it.

(3) The contracting officer shall also consider whether a local area set-aside should be further restricted to small business concerns in the designated area (see Part 19).

(b) *Other appropriate procedures.* The contracting officer may use other appropriate procedures to give preference to those organizations, firms, or individuals residing or doing business primarily in the area affected by the major disaster or emergency to the extent feasible and practicable. For example, the contracting officer may implement the preference by using an evaluation factor. (See 6.603.)

[71 FR 44548, Aug. 4, 2006, as amended at 71 FR 57380, Sept. 28, 2006]

26.203 Solicitation provisions and contract clause.

(a) The contracting officer shall insert the provision at 52.226-3, Disaster or Emergency Area Representation, for acquisitions using the local area set-aside. For commercial items see 12.301(e)(4).

(b) The contracting officer shall insert the provision 52.226-4, Notice of Disaster or Emergency Area Set-aside in solicitations and contracts for acquisitions that are set-aside for a Disaster or Emergency Area under 26.203(a).

(c) The contracting officer shall insert the clause 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area, in all solicitations and contracts that contain the provision at 52.226-3.

[71 FR 44548, Aug. 4, 2006, as amended at 71 FR 57380, Sept. 28, 2006]

Subpart 26.3—Historically Black Colleges and Universities and Minority Institutions

SOURCE: 62 FR 12703, Mar. 17, 1997, unless otherwise noted.

26.300 Scope of subpart.

(a) This subpart implements Executive Order 12928 of September 16, 1994,